

2013 DRAFTING REQUEST

Bill

Received: 11/19/2012 Received By: rkite
 Wanted: As time permits Same as LRB:
 For: Joel Kleefisch (608) 266-8551 By/Representing: Rick Braun
 May Contact: Drafter: rkite
 Subject: Nat. Res. - fish and game Addl. Drafters:
 Extra Copies:

Submit via email: YES
 Requester's email: Rep.Kleefisch@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Urban bow hunting

Instructions:

Redraft 2011 AB 234

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 11/20/2012	wjackson 11/27/2012					
/1			rschluet 11/28/2012		mbarman 11/28/2012	lparisi 11/28/2012	

FE Sent For:

→ Not Needed

<END>

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/? rkite

1 wly 11/27

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE



Rm met
run
-0582/1

LRB0179/1

RNK:ljf

WLj

ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2011 ASSEMBLY BILL 234

In
11/20

2013 BILL

September 28, 2011 - Offered by Representative KLEEFISCH

D-Note

regen. cat.

1 AN ACT *to renumber and amend* 29.038 (3); *to amend* 29.301 (1) (b) and 29.301
2 (1) (c); and *to create* 29.038 (3) (b) of the statutes; **relating to:** restrictions on
3 hunting within a specified distance of hospitals, sanatoriums, or school grounds
4 and restrictions imposed by local governmental units on hunting with a bow
5 and arrow or crossbow.

INS. ANALYSIS → The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 SECTION 1. 29.038 (3) of the statutes is renumbered 29.038 (3) (a) and amended
7 to read:

8 29.038 (3) (a) ~~A~~ Except as provided in par. (b), a local governmental unit may
9 enact an ordinance or adopt a regulation, resolution or other restriction that has an
10 incidental effect on hunting, fishing or trapping, but only if the primary purpose is
11 to further public health or safety.

1 **SECTION 2.** 29.038 (3) (b) of the statutes is created to read:

2 29.038 (3) (b) 1. In this paragraph:

3 a. "Authorized crossbow user" means a person who has a Class A, Class B, or
4 Class C permit issued under s. 29.193 (2) that authorizes hunting with a crossbow,
5 has a crossbow permit issued under s. 29.171 (4) (a), or has attained the age of 65
6 years.

7 **(b).** "Building" means a permanent structure used for human occupancy and
8 includes a manufactured home, as defined in s. 101.91 (2). ✓

INS. 2-8 → 9 2. Except as provided in subd. 3., a local governmental unit may not enact or
10 enforce an ordinance or adopt or enforce a regulation, resolution, or other restriction
11 that prohibits a person from hunting within the jurisdiction of that local
12 governmental unit with a bow and arrow or, if the person is an authorized crossbow
13 user, with a crossbow.

14 3. A local governmental unit may enact or enforce an ordinance or adopt or
15 enforce a regulation, resolution, or other restriction that prohibits a person from
16 hunting with a bow and arrow or crossbow within 100 yards of a building located on
17 another person's land.

INS. 2-17 → 18 **SECTION 3.** 29.301 (1) (b) of the statutes is amended to read:

19 29.301 (1) (b) No person may hunt with a firearm within 1,700 feet of any
20 hospital, sanatorium or the grounds of any school. The department may designate
21 the form for or furnish signs designating the restricted area. No person may be
22 convicted of a violation of this paragraph unless the restricted area is designated by
23 the signs.

24 **SECTION 4.** 29.301 (1) (c) of the statutes is amended to read:

1 29.301 (1) (c) Notwithstanding par. (b), this subsection does not prohibit
2 hunting with a firearm in a school forest if the school board allows hunting with a
3 firearm under s. 120.13 (38).

4 (END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0582/lins.
RNK:.....

INSERT ANALYSIS

Current law generally prohibits a local governmental unit from enacting or adopting any ordinance or restriction (restriction) that regulates hunting, fishing, trapping, or management of wild animals except on land ~~that~~ the local governmental unit owns or leases or unless state law specifically authorizes the local governmental unit to enact or adopt such restriction. Current statutes also specify that a local governmental unit may enact or adopt a restriction that has an incidental effect on hunting, fishing, or trapping, but only if the primary purpose is to further public health or safety.

This bill provides, with an exception, that a local governmental unit may not enact or adopt a restriction that prohibits hunting with a bow and arrow or crossbow within the jurisdiction of that local governmental unit. Under the exception provided in the bill, a local governmental unit may prohibit a person from hunting with a bow and arrow or crossbow within a specified distance, not to exceed 100 yards, of a building used for human occupancy that is located on another person's land. The bill specifies that the restriction must provide that ~~the restriction~~ does not apply if the person who owns the land on which the building is located allows the hunter to hunt with a bow and arrow or crossbow within the specified distance of the building. *it*

Under current law, no person may hunt within 1,700 feet of a hospital, sanatorium, or the grounds of a school. This bill specifies that this prohibition ~~only~~ applies to a person who is hunting with a firearm. *only*

*enacted
or
adopted*

INSERT 2-8

- 1 b. "Restriction" means an ordinance, regulation, resolution, or other restriction
2 enacted or adopted by a local governmental unit.

INSERT 2-17

- 3 *may* *or* adopt a restriction that prohibits a person from hunting with a bow and
4 arrow or crossbow within the jurisdiction of that local governmental unit.

- 5 3. A local governmental unit may enact or adopt a restriction prohibiting a
6 person from hunting with a bow and arrow or crossbow within a specified distance,
7 not to exceed 100 yards, from a building located on another person's land. A
8 restriction enacted or adopted under this subdivision shall provide that the

- 1 restriction does not apply if the person who owns the land on which the building is
- 2 located allows the hunter to hunt within the specified distance of the building.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0582/1dn

RNK:f:....

Wlj

Date

This is a redraft of 2011 Assembly Bill 234, and incorporates the amendments adopted by the committee on Natural Resources (Assembly Substitute Amendment 1 and Assembly Amendment 1 to Assembly Substitute Amendment 1). Please note that the language in this draft contains language that differs from the language in Assembly Bill 234 as amended in committee. I made some of these changes for purposes of clarity only. The other changes were made to conform this draft to changes made in the law last session concerning the use of crossbows.

2011

Please feel free to contact me if you have any questions about this draft.

Robin N. Kite
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Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0582/1dn
RNK:wlj:rs

November 28, 2012

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Please feel free to contact me if you have any questions about this draft.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

Rose, Stefanie

From: Braun, Rick
Sent: Wednesday, November 28, 2012 12:08 PM
To: LRB.Legal
Subject: Draft Review: LRB -0582/1 Topic: Urban bow hunting

Please Jacket LRB -0582/1 for the ASSEMBLY.